

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
CIVIL NO. 05-0549 (MJD/JGL)

SCOTT MALCOM, et al.,

Plaintiffs,

v.

REPORT & RECOMMENDATION

FOSS DRYWALL, INC., et al.,

Defendants.

The complaint in this case was filed on March 15, 2005. When no answer was filed on behalf of defendants or other appearance made within the time required by the rules, the court issued an order on May 2, 2005, which by its terms required plaintiff to take certain action.

To date, plaintiff has not complied with the terms of that order.

Based upon the foregoing, IT IS RECOMMENDED that the case be **DISMISSED** for lack of prosecution.

DATED: May 27, 2005

s/Jonathan Lebedoff

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JONATHAN LEBEDOFF  
Chief U.S. Magistrate Judge

Pursuant to D. Minn. LR 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by June 16, 2005. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.